

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 21cr992 MV

ISAAC THOMPSON,

Defendant.

**ORDER DENYING MOTION  
TO RELEASE DEFENDANT FROM CUSTODY INTO A  
RESIDENTIAL REHABILITATION PROGRAM**

Defendant Isaac Thompson asks the Court to reconsider its order detaining him as a flight risk and danger to the community. Doc. 22. Mr. Thompson was recently admitted to Darrin's Place, a ninety-day residential treatment program. *Id.* ¶ 5. He has an admission date of November 2, 2021.<sup>1</sup> *Id.* He states that he is addicted to alcohol, heroin and methamphetamine and he is serious about rehabilitating himself and staying drug free. *Id.* ¶¶ 3, 5. The United States opposes the motion. Doc. 23.

Defendant has been indicted for felon in possession of a firearm and ammunition in violation of 18 U.S.C. §§ 922(g)(1) and 924. Doc. 2. Defendant waived his right to a detention hearing, and the Court issued a detention order, finding that the following factors indicate that Defendant's release would create a risk of flight and a danger to the community: (1) Weight of evidence against Defendant is strong; (2) Defendant subject to lengthy period of incarceration if convicted; (3) Defendant has extensive prior criminal history; (4) Defendant participated in

---

<sup>1</sup> The United States filed its response on November 5, 2021, within its response deadline but after the date Defendant requested to be released to Darrin's Place. The Court assumes space at Darrin's Place remains available and so Defendant's motion is not moot.

criminal activity while on probation, parole, or supervision; (5) Defendant has a history of violence or use of weapons; (6) Defendant has a history of alcohol or substance abuse; (7) Defendant has a lack of stable employment; and (8) Defendant has prior violations of probation, parole, or supervised release. Docs. 16 & 17.

A defendant may be detained pending trial if the Court finds that “no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(e)(1). When making that determination, the Court considers: (1) the nature and circumstances of the offense charged, (2) the weight of the evidence against the person, (3) the history and characteristics of the person, and (4) the nature and seriousness of the danger to any person or the community that would be posed by the person’s release. 18 U.S.C. § 3142(g). “The [detention] hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.” *Id.* § 3142(f)(2).

The Court considers what Defendant has presented as new information, but it does not significantly change the Court’s evaluation of his dangerousness or flight risk. The Court continues to be concerned about the same factors that caused it to order Defendant’s detention on August 9, 2021. Defendant has failed to appear for multiple court hearings over the past five years and his performance while on probation during this time has been marked by numerous violations. *See* Presentence Report (Doc. 11). Indeed, in 2019, Defendant was sentenced to imprisonment in connection with multiple felony offenses and was on probation when law

enforcement arrested him in connection with the instant offense. Given this history, the new information in Defendant's motion does not change the Court's assessment as to whether Defendant is a flight risk and a danger to the community. The Court continues to find Defendant should be detained for the same reasons as the original detention decision. Even considering the combination of all conditions of release potentially available, probable cause exists that Defendant presents a risk of flight and clear and convincing evidence exists that Defendant is a danger to the community.

Accordingly, the Court **DENIES** Defendant's motion for release.

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE